

**U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

U.S. DISTRICT COURT
DISTRICT OF MASS.

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U.S. DISTRICT COURT
DISTRICT OF MASS.

VINCENT AMARA, Plaintiff)	CIVIL ACTION NO. 04-10094 GAO
v.)	
ANDREY REVERT, AMTRAK and CRAWFORD RISK MANAGEMENT SERVICE, Defendants)	
)	

**DEFENDANTS' MOTION FOR ORDER FOR PHYSICAL EXAMINATION
OF THE PLAINTIFF, VINCENT AMARA**

Now come the defendants, Andrey Revert, Amtrak and Crawford Risk Management Service ("defendants"), pursuant to Federal Rules of Civil Procedure Rule 35(a), and respectfully requests that this Court order the plaintiff, Vincent Amara, to undergo an independent medical examination with Dr. Daniel Snyder of Newton Wellesley Orthopedics Associates, at a date and time convenient to the plaintiff and the examining physician. As grounds therefor, the defendants state as follows:

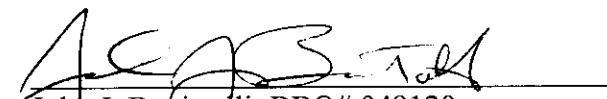
1. On January 31, 2001, the plaintiff was involved in an automobile accident with the defendant, Andrey Revert. On February 2, 2001, he was diagnosed by a physician at Harvard Vanguard with a probable trapezius strain. (See Exhibit A).
2. On June 19, 2001, the plaintiff attended an independent chiropractic evaluation with Glen Dodes, D.C. Mr. Amara told Dr. Dodes that he had complete resolution of his lower back and neck pain, but he continued to experience pain in his right shoulder. Dr. Dodes diagnosed Mr. Amara with a resolved cervical, thoracic, and lumbar sprain/strain and a mild impingement syndrome in the right shoulder. Dr. Dodes did not find any evidence of ongoing partial disability. (See Exhibit B).
3. On July 19, 2001, Mr. Amara was examined by John J. Lynch, M.D. of North Suburban Orthopedic Associates. Mr. Amara told Dr. Lynch that he had previously injured his right shoulder 5 or 6 years prior to the automobile accident on January 31, 2001, but that this injury had resolved after physical therapy

treatment. Dr. Lynch found that Mr. Amara did not have the physical findings to indicate a significant rotator cuff tear, and that Mr. Amara may have some degenerative wear and tear on the rotator cuff. (See Exhibit C).

4. Mr. Amara visited Dr. Brian Awbrey of Associated Health Care Group on October 30, 2001; he was diagnosed with a right shoulder sprain, cervical sprain and thoracic strain. (See Exhibit D).
5. An MRI study taken on October 4, 2001 by Chelsea MRI, P.C. showed a full thickness supraspinatus tendon tear in Mr. Amara's right shoulder, as well as multiple areas of degenerative changes and AC joint arthritis. (See Exhibit E).
6. Plaintiff's counsel made a demand on behalf of Mr. Amara in the amount of \$450,000 on June 17, 2003. (See Exhibit F).
7. In a letter dated July 28, 2004 to Attorney Philip Boncore, defendant's counsel requested that the plaintiff voluntarily submit to an independent medical examination. Attorney Boncore advised defendant's counsel in his letter dated August 5, 2004 that the plaintiff would not agree to such an examination. (See Exhibit G).
8. A mediation of this matter has been scheduled by this Court for September 3, 2004.
9. The defendants contend that because of the discrepancies among the plaintiff's medical records, and in order for the defendants to fairly and accurately evaluate the plaintiff's injuries and demand, the plaintiff should be ordered to submit to an independent medical examination by Dr. Daniel Snyder. A copy of the curriculum vitae of Dr. Snyder is attached hereto as Exhibit H.

WHEREFORE, the defendants, Andrey Revert, Amtrak and Crawford Risk Management Service, respectfully request that this Court order the plaintiff, Vincent Amara, to undergo an independent medical examination by Dr. Daniel Snyder at a mutually acceptable date and time.

Respectfully submitted,
Defendants, Andrey Revert, Amtrak and
Crawford Risk Management Service,
By their attorneys,



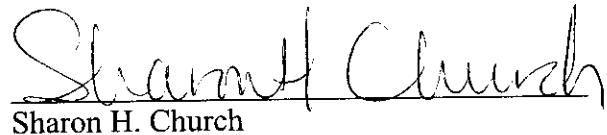
John J. Bonistalli; BBO# 049120
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LAW OFFICES OF JOHN J. BONISTALLI
One Financial Center
Boston, MA 02111
(617) 695-3755

Dated: 8-11-04

CERTIFICATE OF SERVICE

I, Sharon H. Church, attorney for the defendants, Audrey Revert, Amtrak and Crawford Risk Management Service, hereby certify that a true copy of the foregoing Defendants' Motion for Order for Physical Examination of the Plaintiff, Vincent Amara was sent via first class mail, postage prepaid, this 12th day of August, 2004 to:

Philip R. Boncore, Esquire
LAW OFFICES OF PHILIP R. BONCORE, P.C.
1140 Saratoga Street
East Boston, MA 02128


Sharon H. Church